

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
EYIDI AMBILA,	)	
	)	
Petitioner,	)	
	)	C.A. No. 07-11030-GAO
v.	)	
	)	
SHERIFF ANDREA J. CABRAL,	)	
	)	
Respondent. <sup>1</sup>	)	
_____	)	

MOTION TO DISMISS

Respondent moves to dismiss this action pursuant to Fed. R. Civ. P. Rules 12(b)(6) for failure to state a claim upon which relief may be granted. Respondent relies on her Memorandum of Law filed simultaneously herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Michael Sady  
Michael Sady  
Assistant U.S. Attorney  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100

Dated: June 22, 2007

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<sup>1</sup> See 28 U.S.C. § 517 (providing for the appearance of the Department of Justice “to attend to the interests of the United States in a suit pending in a court of the United States”).

**CERTIFICATE OF SERVICE**

I certify that on, I caused a copy of the foregoing Motion to Dismiss to be served on June 22, 2007 by first class mail, postage pre-paid to pro se petitioner, Eyidi Ambila #0602592, Suffolk County House of Correction, Unit 8-4, 20 Bradston Street, Boston, MA 02118.

/s/ Michael Sady

Michael Sady

Assistant U.S. Attorney

Dated: June 22, 2007

**L. R. 7.1 CERTIFICATION**

Because Petitioner is pro se and presently incarcerated in a state correctional facility, undersigned counsel has not attempted to contact petitioner to narrow the issues.

/s/ Michael Sady

Michael Sady

Assistant United States Attorney